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2 WALTER WILHELM LAW GROUP
3 A Professional Corporation
4 Riley C. Walter, #91839
5 Matthew P. Bunting, #306034
6 Danielle J. Bethel #315945
7 205 East River Park Circle, Ste. 410
8 Fresno, CA 93720
9 Telephone: (559) 435-9800
10 Facsimile: (559) 435-9868
11 E-mail: rileywalter@w2lg.com
12 dbethel@w2lg.com

13 Attorneys for Debtor, Tulare Local Healthcare District,
14 dba Tulare Regional Medical Center

15 IN THE UNITED STATES BANKRUPTCY COURT

16 EASTERN DISTRICT OF CALIFORNIA

17 FRESNO DIVISION

18 In re

19 TULARE LOCAL HEALTHCARE
20 DISTRICT, dba TULARE
21 REGIONAL MEDICAL CENTER,

22 Debtor.

23 Tax ID #: 94-6002897
24 Address: 869 N. Cherry St.
25 Tulare, CA 93274

26 CASE NO. 17-13797

27 Chapter 9

28 DC No.: WW-34

Date: November 15, 2018
Time: 9:30 a.m.
Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13
Judge: Honorable René Lastreto II

29 MOTION FOR ORDER APPROVING AGREEMENT RELATING TO RELIEF
30 FROM THE AUTOMATIC STAY (GUTIERREZ)

31 TO THE HONORABLE JUDGE OF THE UNITED STATES BANKRUPTCY

32 COURT:

33 TULARE LOCAL HEALTHCARE DISTRICT, dba TULARE REGIONAL
34 MEDICAL CENTER (the "District" and/or "Debtor") hereby files this Motion for Order
35 Approving Agreement Relating to Relief From Stay ("Motion") which seeks an order
36 pursuant to 11 U.S.C. §§ 901 and 362 as complimented by FRPB 4001(d) approving

1 the Stipulation for Relief From the Automatic Stay ("Stipulation") entered into between
2 TRMC and SENO VIA GUTIERREZ ("Plaintiff", collectively "the Parties").

3 This Motion is based on the Motion and Exhibits thereto, the Notice of Hearing
4 on the Motion, the Declaration of Danielle J. Bethel in Support of the Motion, the files,
5 pleadings and orders on file in this Chapter 9 case, and such other and further
6 evidence as made properly before the Court.

7 The District respectfully requests that this Court enter an order pursuant to 11
8 U.S.C. §§ 901 and 362 as complimented by FRPB 4001(d) approving the Stipulation
9 as follows:

10 1. On September 30, 2017, the District commenced a voluntary case under
11 Chapter 9 of Title 11 of the United States Bankruptcy Code in the United States
12 Bankruptcy Court, Eastern District of California ("Petition Date").

13 2. Prior to the Petition Date, Plaintiff initiated a lawsuit against the District
14 requesting declaratory relief pertaining to Plaintiff's status as a duly elected
15 representative of the District's Board for Area 3, the date of administration of Plaintiff's
16 oath as a Board Member, the date Plaintiff was declared elected as a Board Member of
17 Area 3 of the District, as well as the scope of authorization pertaining to Plaintiff's
18 duties as a Board Member of Area 3 of the District, in the matter styled *Senovia*
19 *Gutierrez v. Tulare Local Healthcare District, dba Tulare Regional Medical Center,*
20 *Richard Torrez, Michael Jamaica, Kevin Northcraft, and Does 1-25, inclusive, Tulare*
21 *County Superior Court case no. 271265* (the "Lawsuit").

22 3. After negotiation, the Parties have reached an agreement on a final
23 stipulated judgment, to be entered by the Tulare County Superior Court, which would
24 resolve all of the claims encompassed by the Lawsuit.

25 4. Relief from the automatic stay is required in order for the Parties to
26 conclude the Lawsuit.

27 5. Accordingly, the Parties have agreed to allow the Automatic Stay to be
28 modified pursuant to the terms and conditions stated herein.

1 6. Accordingly, the Parties have stipulated to terms and conditions
2 concerning the relief required to lift the stay to allow the Lawsuit to continue for the sole
3 purpose of entering a final judgment and order for equitable and other relief
4 ("Stipulation"). True and correct copies of the Stipulation and proposed form of order
5 are attached hereto as Exhibits "A" and "B", respectively, as required under F.R.B.P.
6 4001(d)(1)(A).

7 7. The District hereby seeks Court approval of the Stipulation.

8 WHEREFORE, the Debtor respectfully requests this Court enter an order
9 approving the Stipulation and for such other relief as is just and proper.

10 Dated: October 24, 2018

WALTER WILHELM LAW GROUP,
a Professional Corporation

Danielle J. Bethel,

Attorneys for Debtor, Tulare Local Healthcare
District, dba Tulare Regional Medical Center